

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-00568-BR

Jeiel Shamblee,

Plaintiff,

v.

Prestonwood Country Club, Inc.,

Defendant.

Order

Before the court are cross-motions from Plaintiff Jeiel Shamblee and Defendant Prestonwood Country Club, Inc. about the deposition of Dr. James Goodnight. D.E. 22, 23. Shamblee wants to depose Goodnight because he says that Goodnight has information relevant to his claim that he was retaliated against and terminated from his job as a locker room attendant once the Club learned he had multiple sclerosis. Goodnight claims that he has no more knowledge about Shamblee's claims than any other member of the Club and that requiring him to sit for a deposition would unduly burden him and the corporation he leads.

Having reviewed the parties' arguments, the court sides with Goodnight. Goodnight's declaration establishes that he was not involved in or knew about the alleged wrongful conduct that underlies Shamblee's claims. Goodnight Dec. ¶¶ 3-6. And he has shown that any information he has about Shamblee's job performance and the atmosphere of the Club is general and there are several other sources that have equal or better knowledge about these topics. *Id.* He has also spelled out the substantial burdens associated with his sitting for a deposition. *Id.* ¶ 8. Shamblee has presented no evidence to the contrary.

Thus, the court finds that Goodnight has shown good cause for the court to issue a protective order that prohibits Shamblee from deposing him. Deposing Goodnight is not proportional to the needs of this case since the burden imposed by requiring him to sit for the deposition substantially outweighs the likely benefit of his testimony. Plus, Plaintiff can obtain the information he seeks from Goodnight from sources that are more convenient and less burdensome.

So the court will grant the motion for a protective order (D.E. 23) and deny the motion to compel (D.E. 22). Shamblee may not depose Goodnight unless the parties agree otherwise, or the court allows the deposition to occur. Each party will bear their own costs.

Dated: August 10, 2021

A handwritten signature in black ink, reading "Robert T. Numbers II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge